IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Bail Appl..No. 5683 of 2007()

CRIME NO.152/1996 OF TANUR POLICE STATION
LP.104/2006 of JFCM-I, PARAPPANANGADI

.....

PETITIONER/ACCUSED NO.2

KADAR,S/O.MOHAMMADALI,AGED 55,
KUNNUMMAL HOUSE, TANUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENT:COMPLAINANT

STATE OF KERALA REP.BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,TANUR POLICE
STATION,MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

Bail Application No. 5683 of 2007

Dated this the 14th day of September, 2007

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure. The petitioner is the second accused in crime No.152/1996 of Tanur Police Station with respect to the offences punishable under Sections 143, 147, 148, 447, 506 (ii) read with Section 149 of IPC.

2. It is submitted that the rest of the accused were tried and acquitted as per order in C.C.589/1997. The case against the petitioner and the other accused were split up and re-numbered as C.C.576/2005//L.P.104/2006 in the file of JFCM, Parappanagadi. At the time of hearing, the counsel has sought for direction to the court below that the petitioner may not be ordered remanded by considering the fact that all the offences are bailable. It is submitted that he was not aware of the proceedings and hence, he could not appear before the court below.

3. Considering the nature of the alleged offences, the petitioner is directed to surrender before the court below within two weeks from today onwards and apply for bail. The court below shall

dispose of the application on the same day. Pre-trial detention is not required in the matter.

The bail application is allowed as above.

K.R.UDAYABHANU,
Judge

csl